

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
3:10cv581**

**CLARENCE L. BARBER,**

**Plaintiff,**

**Vs.**

**CITY OF CHARLOTTE (CITIZENS  
REVIEW BOARD); and CHARLOTTE  
MECKLENBURG POLICE  
DEPARTMENT,**

**Defendants.**

**AMENDED  
ORDER**

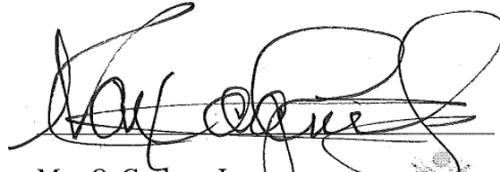
**THIS MATTER** is before the court on plaintiff's Motion for Clarification on Response Deadline (#33). While defendants filed an Amended Motion for Summary Judgment (#31) on September 26, 2012, they took no action to cancel their original Motion for Summary Judgment (#29), which left pending plaintiff's Motion for Extension of Time to File Response to the [original] Motion for Summary Judgment (#30). The court will, therefore, terminate the original Motion for Summary Judgment (#29), the mooted Motion for Extension of Time (#30), and strike the Order (#32) as improvidently granted.

**ORDER**

**IT IS, THEREFORE, ORDERED** that plaintiff's Motion for Clarification on Response Deadline (#33) is **ALLOWED**, and the original Motion for Summary Judgment (#29) is **TERMINATED** as withdrawn in favor of the Amended Motion for Summary Judgment, the Motion for Extension of Time (#30) is **DENIED** as moot, and Order (#32) is **STRICKEN** as improvidently granted.

Respective counsel are advised to seasonably file notices of withdrawal of motions that are moot.

Signed: October 17, 2012



Max O. Cogburn Jr.  
United States District Judge